

## REMARKS

Claims 1-20 are pending in the case. In the Office Action mailed on September 28, 2005, the Examiner took the following action: (1) rejected claims 5 and 13 under 35 USC §112, second paragraph, as being indefinite; (2) rejected claims 1-3, 6, 8-11, 14, and 16-19 under 35 USC §102(b) as being anticipated by Mizuno et al. (U.S. 4,479,046); (3) rejected claims 7 and 15 under 35 USC 103(a) as being unpatentable over Mizuno et al; (4) rejected claims 4, 12, 20 under 35 USC 103(a) as being unpatentable over Mizuno et al. taken with Katooka et al. (U.S. 2002/0038795); (5) rejected claims 5 and 13 under 35 USC 103(a) as being unpatentable over Mizuno taken with Ueguri et al. (U.S. 4,594,498).

### **I. REJECTION OF CLAIMS 5 AND 13 UNDER 35 USC §112, SECOND PARAGRAPH**

The Examiner rejected claims 5 and 13 as being indefinite for failing to point out and distinctively claim the subject matter the applicant regards as the invention. Applicant has amended claims 5 and 13 in resolving the informality noted by the Examiner, and respectfully requests withdrawal of the rejections under 35 USC §112, second paragraph.

### **II. REJECTION OF CLAIMS 1-3, 6, 8-11, 14, 16-19 UNDER 35 USC §102(B)**

The Examiner rejected claims 1-3, 6, 8-11, 14, 16-19 under 35 USC §102(b) as being anticipated by Mizuno et al. Mizuno does not teach modulation of the current at an arc of an arc welding device at the control unit 30, except in response to current according to an upper peak limiter 7 and a peak limiter 8, and a base limiter 21 and by means of a comparator 33. The suggested modulation of current is strictly and analog means of controlling the current at the arc. Mizuno neither suggests nor teaches a controller unit that is responsive to additional inputs such as the trigger input or the motor wire feed.


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The Examiner's attention is invited to FIG. 5 of the application indicating a truth-table for modulating the current at the output terminals of the claimed contactor. As taught and as claimed, the controller of the application includes reaction to logical signals, logical signals being digital in nature, indicative of on states and off states. As is taught in the embodiment, the controlling processor triggers the switch in response to logical inputs, indicating that the controller is tasked with generating power only when three conditions are present:

- 1) a logical signal indicates that the trigger is depressed;
- 2) a signal indicates that the current is beneath the current threshold; and
- 3) a logical signal indicates that the wire feed motor is activated.

Mizuno only teaches switching based upon on the single issue of current and then only based upon an analog signal being compared by means of comparators to a reference signal. The claims are not anticipated by the teaching nor the claims set forth in Mizuno, Mizuno being specifically limited to the use of a comparator as the controlling means. The Examiner is respectfully requested to remove the rejection of claims under §102.

### **III. REJECTION OF CLAIMS 7 AND 15 UNDER 35 USC §103(A)**

The Examiner rejected claims 7 and 15 under 35 USC §103(a) as being unpatentable over Mizuno et al. The Applicants respectfully repeat the amplification under Section II above as it relates to the availability of Mizuno as a reference. As above, the Examiner is respectfully requested to remove the rejection of claims under §103(a).

### **IV. REJECTION OF CLAIM 4, 12 AND 20 UNDER 35 USC §103(A)**

The Examiner rejected claims 4, 12 and 20 under 35 USC §103(a) as being unpatentable over Mizuno et al. taken with Katooka et al. Neither Mizuno nor the teachings of Katooka either


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separately or apart suggest the presence of a processor responding to logical signals thereby to arrive at the present invention. Applicants respectfully assert that no combination of Mizuno and Katooka will yield a controller capable of responding to the logical signals received at the processor. As such, neither the assertion of Mizuno nor of Katooka make obvious the current claims. For this reason, the Examiner is respectfully requested to remove the rejection of Claims 4, 12, and 20.

#### **V. REJECTION OF CLAIMS 5 AND 13**

The Examiner rejected claims 4, 12 and 20 under 35 USC §103(a) as being unpatentable over Mizuno et al. taken with Ueguri et al. In the same manner as set forth above, in Section IV above, neither Mizuno nor the teachings of Ueguri either separately or apart suggest the presence of a processor responding to logical signals thereby to arrive at the present invention. Applicants respectfully assert that no combination of Mizuno and Ueguri will yield a controller capable of responding to the logical signals received at the processor. As such, the neither the assertion of Mizuno nor of Ueguri make obvious the current claims. For this reason, the Examiner is respectfully requested to remove the rejection of Claims 5 and 13.


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## CONCLUSION

The Applicants, having addressed each of the rejections set forth in the Office Action referenced above, now asks that the application be found allowable and that a notice of allowance issue. The Applicants request that any questions regarding the claims or the matters contained herein be addressed to Applicant's attorney of record, the undersigned.

Respectfully submitted,

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## MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Date of Deposit

Wendy Saxby  
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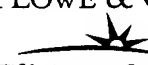
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